

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 6/16/03

171

<b>AGENDA SECTION:</b> Public Hearing	<b>ORIGINATING DEPT:</b> CHARTER COMMISSION	<b>ITEM NO.</b> E-10
<b>ITEM DESCRIPTION:</b> Request to set public hearing for charter amendment by ordinance – clarification of board member removal process.		<b>PREPARED BY:</b> Charter
<p>The Charter Commission proposes that the City Council amend Subdivision 4 of Section 7.03 of the Rochester Home Rule Charter, to clarify that it is the City Council that shall hold a public hearing and determine if a "charter board" member should be removed based upon a citizen petition.</p> <p>In 1999, the Charter Commission proposed a process for the removal of board members that was adopted by ordinance approved by the City Council. For charter boards (park, library and utility), the process includes removal by action initiated by the board, or by petition filed by not less than 50 registered voters of the City. It was the Charter Commission's intent that the latter process result in a hearing before the City Council, and that the City Council would make the determination if cause existed for the removal. However, the manner in which this subdivision was drafted does not clearly identify this as the process to be followed. It is the Charter Commission's belief that this decision should be made by the City Council who is the appointing authority and who is ultimately responsible to the voters. The proposed amendment reads as follows:</p> <p>Subd. 4. (Petition for Removal of Board Member). Whenever 50 or more registered voters of the City of Rochester shall file with the City Council a petition demanding the removal of an appointed board or commission member, and setting forth the facts upon which such demand for removal is based, the City Council shall, upon notice to the board or commission member whose removal is sought, schedule and hold a public hearing to review the basis for such demand. <u>The Council shall provide the member whose removal is sought with a copy of the petition and shall also provide a reasonable opportunity to be heard in person or by counsel in his own defense at the hearing.</u> <del>For charter board members, the Council shall not remove the board member except for cause.</del> For charter board members, the Council shall not remove the board member except for cause, the provisions of Subd. 2 above shall apply and the petition shall constitute the written charges. For non-charter boards and commissions, the City Council shall determine whether the best interests of the City are served by the removal.</p> <p>Under Minn. Stat. §410.12, subd. 7, amendments to the charter may be made by ordinance upon recommendation by the charter commission. Amendment of a charter may be made only after a public hearing and by affirmative vote of all its members subject to the public's right to object by petition within 60 days of publication. In no event is the ordinance effective until 90 days after publication.</p> <p><b>COUNCIL ACTION REQUESTED:</b> That the City Council, by a unanimous vote of all its members, adopt the proposed ordinance amending Subdivision 4 of Section 7.03 of the Rochester Home Rule Charter. Following the public hearing the council may adopt the ordinance amending the charter by affirmative vote of all its members subject to the public's right to object by petition. If it wishes, the Council may suspend its rules by affirmative vote of all members present and give the ordinance both readings.</p>		
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____		

172